



STAFF REPORT

CITY OF GREEN COVE SPRINGS, FLORIDA

TO: Regular Session
Consent Agenda

MEETING DATE: October 15, 2024

FROM: L.J. Arnold III, City Attorney

SUBJECT: Approval of attached Engagement of Nabors, Giblin & Nickerson, P. A. (“NG&N”) to assist in possible collection and/or resolution of dispute with the Clay County School Board (“CCSB”) over their non-payment of stormwater usage fees exceeding \$200,000.00.

BACKGROUND

The City established a stormwater utility with base and user fees for all parcels of real property within the City a few years ago. The CCSB has refused to pay such fees based upon their belief that they are exempt because of sovereign immunity and other potential legal reasons. Their attorneys have advised them not to pay the City. This is an area of law that has some complications, and we may end up in litigation with the CCSB to resolve this issue. NG&N already assists the City with our non-ad valorem special assessment collection method for solid waste in Magnolia West and City-wide for stormwater. (Some customers, like the CCSB, do not pay ad valorem taxes and we bill them monthly on their utility statement.) NG&N are experts in this field and will provide the City with legal assistance in collecting these fees, if legally permissible. See attached memo from NG&N for a brief explanation and email traffic that brought this case to my attention by the CCSB attorney. Also, see attached Westlaw AI research with the recent City of Miami Beach v. School Board of Miami Dade County case involving the sovereign immunity defense.

FISCAL IMPACT

To be determined. However, the user fee issue is approximately a \$100,000.00 yearly issue of lost revenues to the City’s stormwater utility.

RECOMMENDATION

Approve engagement of NG&N to assist with resolving the stormwater use fee issue between the City and the CCSB.